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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Seigo Kotani

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/800,505	Applicant(s) KOTANI ET AL.	
	Examiner Michael J. Simitoski	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response of 6/8/2006 was received and considered.
2. Claims 1-28 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 4-10, 16, 18-26 & 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite "predetermined information" and "license information", however the specification does not disclose both data being separate data; the specification discloses that predetermined information is encrypted to produce license information. This rejection can be overcome if it is clarified that encrypting predetermined information produces license information, so that both "license information"/"encrypted license information" are

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understood to be the same as “encrypted predetermined information” or the result of encrypting predetermined information.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-26 & 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is noted that the majority of the following §112 ¶2 rejections are made due to inconsistencies in claim language, such as reciting “a license information” in a claim and again reciting “a license information” in a claim depending upon that claim. These are easily remedied by using “a license information” in only one claim in a tree and referring to it using “the license information” or “said license information”, etc.

a. Regarding claim 2, the relationship between the first, second and secure areas is unclear. For the purposes of this Office Action, the first and secure areas are understood to refer to the same area, since they both store said predetermined information.

b. Regarding claim 4, it is unclear if “predetermined information” (lines 2-3) refers to the predetermined information recited in previous claims, the encrypted predetermined information recited in previous claims or an additional predetermined information.

c. Regarding claim 4, it is unclear if “said electronic data” (line 4) refers to “encrypted electronic data” or the electronic data that has been encrypted. The latter is assumed.

d. Regarding claim 5, it is unclear if “said predetermined information” (line 2) refers to the predetermined information recited in claims 1-3, the predetermined information

recited in claim 4 or if these recitations of “predetermined information” are meant to refer to the same information.

e. Regarding claim 5, it is unclear if “said encrypted predetermined information” (line 2) refers to the encrypted predetermined information recited in claims 1-3, the encrypted predetermined information recited in claim 4 or if these recitations of “encrypted predetermined information” are meant to refer to the same information.

f. Regarding claim 10, it is unclear if “predetermined information” (line 4) refers to the predetermined information recited in previous claims or additional predetermined information.

g. Regarding claim 11, it is unclear if “encrypted predetermined information” (line 2) refers to the encrypted predetermined information recited in previous claims or additional predetermined information.

h. Regarding claim 11, it is unclear if “predetermined information” (line 4) refers to the predetermined information recited in previous claims or additional predetermined information.

i. Regarding claim 14, it is unclear if “encrypted predetermined information” (line 2) refers to the encrypted predetermined information recited in previous claims or additional predetermined information.

j. Regarding claim 14, it is unclear if “information specific to an apparatus” (line 3) refers to the information specific to an apparatus recited in claim 13 or additional information specific to an apparatus.

- k. Regarding claim 14, it is unclear if “predetermined information” (line 5) refers to the predetermined information recited in previous claims or additional predetermined information.
- l. Regarding claim 15, it is unclear how the “wherein” clause affects the claim, because the claim recites only that said medium-specific information *can* be electronically obtained, which does not affect the method. For the purposes of this Office Action, the limitation is understood to read “said medium-specific information is electronically obtained ...”.
- m. Regarding claim 16, it is unclear if “information specific to an apparatus” (line 2) refers to the information specific to an apparatus recited in previous claims or additional information specific to an apparatus.
- n. Regarding claim 17, it is unclear if “information specific to an apparatus” (line 2) refers to the information specific to an apparatus recited in previous claims or additional information specific to an apparatus.
- o. Regarding claim 18, it is unclear if “a secure area” (line 6) is the same or an additional secure area as recited in line 4. These are understood to refer to the same area.
- p. Regarding claim 20, it is unclear if “license information” (line 3) refers to the license information recited in claim 18 or additional license information.
- q. Regarding claim 21, it is unclear if “information specific to said apparatus” refers to “apparatus-specific information” or if the limitations refer to the same data. These are understood to refer to the same information.

r. Regarding claim 22, it is unclear if “encrypted license information” (lines 2-3) refers to the encrypted license information recited in claim 21 or additional encrypted license information. These are understood to refer to the same encrypted license information.

s. Regarding claim 24, it is unclear if “encrypted license information” (lines 2-3) refers to the encrypted license information recited in claim 23 or additional encrypted license information. These are understood to refer to the same encrypted license information.

t. Regarding claim 24, it is unclear if “license information” (line 4) refers to the license information recited in previous claims or additional license information. These are understood to refer to the same license information.

u. Regarding claim 25, it is unclear if “information specific to said apparatus” (line 5) refers to “apparatus-specific information” (lines 2-3) or if the limitations refer to the same data. These are understood to refer to the same information.

v. Regarding claim 24, it is unclear if “encrypted license information” (lines 2-3) refers to the encrypted license information recited in claim 23 or additional encrypted license information. These are understood to refer to the same encrypted license information.

w. Regarding claim 26, it is unclear if “encrypted license information” (lines 2-3) refers to the encrypted license information recited in previous claims or additional encrypted license information. These are understood to refer to the same encrypted license information.

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- x. Regarding claim 26, it is unclear if “license information” (line 4) refers to the license information recited in previous claims or additional license information. These are understood to refer to the same license information.

Specification

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claims recite “predetermined information” and “license information”, however the specification does not disclose both data being separate data; the specification discloses that predetermined information is encrypted to produce license information. This rejection can be overcome if it is clarified that encrypting predetermined information produces license information, so that both “license information”/“encrypted license information” are understood to be the same as “encrypted predetermined information” or the result of encrypting predetermined information.
9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: AN INFORMATION MANAGEMENT METHOD
USING A RECORDING MEDIUM WITH A SECURE AREA AND A USER-USE AREA.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-2, 11 & 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,905,798 to Nerlikar et al. (**Nerlikar**).

Regarding claims 1 & 27, Nerlikar discloses encrypting predetermined information/codeword and predetermined address (col. 3, lines 24-27) that is stored in a predetermined secure area/TIRIS transponder (col. 2, lines 11-42) of a recording medium/disk (Fig. 1) using medium-specific information or a key generated therefrom/decryption scheme (col. 3, lines 23-28), storing the encrypted predetermined information/codeword and predetermined address (col. 3, lines 24-27) in an area/interrogator (col. 2, lines 26-27, col. 3, lines 23-28 & col. 3, lines 53-56) outside said predetermined area/TIRIS transponder (col. 3, lines 23-28) and deriving/decrypting said encrypted predetermined information outside said predetermined secure area (col. 3, lines 26-28), wherein said secure area is not subject to control by external instructions (col. 4, lines 48-51).

Regarding claim 2, Nerlikar discloses wherein said recording medium comprises a first area/TIRIS transponder (col. 2, lines 11-42) storing said predetermined information/codeword and predetermined address (col. 3, lines 24-27) and a second area different from said first area (Fig. 1 & Fig. 2).

Regarding claim 11, Nerlikar discloses wherein said encrypted predetermined information/codeword and predetermined address (col. 3, lines 24-27) is stored on a second recording medium/interrogator (col. 3, lines 23-28) different from said recording medium/disk (col. 2, lines 26-27 & col. 3, lines 53-56).

12. Claims 1-2, 4-6, 11, 18 & 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0016919 to Sims, III (**Sims**).

Regarding claims 1 & 27, Sims discloses a method comprising encrypting predetermined information/content key (§97) that is stored in a predetermined secure area of a recording medium (§§81 & 85) using medium-specific information or a key generated therefrom/public key of acceptable user (§97), storing the encrypted predetermined information in an area/play-back device (§97) outside said predetermined secure area and deriving/decrypting said encrypted predetermined information outside (in the play-back device) said predetermined secure area (§97), wherein said secure area is not subject to control by external instructions (§57).

Regarding claim 2, Sims discloses a first area/area 101 (§85) storing said predetermined information/content key (§85) and a second area/area 102 different from said first area (Fig. 1).

Regarding claim 3, Sims discloses wherein said second area/area 102 is a user-use area allowing writing and reading out of any information in accordance with external instructions (§34).

Regarding claim 4, Sims discloses wherein any information/content stored in said second area/area 102 is encrypted electronic data/encrypted content (§81) and predetermined

information/content key stored in said first area/area 101 includes license information based on use rights (§97 & Fig. 2, #213) for using said electronic data/encrypted content (§81).

Regarding claim 5, Sims discloses wherein said predetermined information/content key stored in said first area/area 101 is encrypted using medium-specific information or a key generated therefrom/public key of acceptable user (§97) and the encrypted predetermined information/encrypted content key is stored in a predetermined area (in the play back device) (§97).

Regarding claim 6, Sims discloses wherein said predetermined information/content key is encrypted (§97) using information specific to an apparatus that drives said recording medium or a key generated therefrom/media public key (§95 & §97).

Regarding claim 11, Sims discloses wherein said encrypted predetermined information (encrypted content/disk key) is stored on a second recording medium (play-back device, §97 or clearing house, §95) different from said recording medium.

Regarding claims 18 & 28, Sims discloses an information management apparatus (media player 120 and media device 110, called player (§38 & Fig. 1)) managing information/content of a recording medium, the recording medium having medium-specific information/public key of acceptable user (§97) and comprising a user-use area/unprotected area 101 (§33) allowing writing and reading out of any information in accordance with external instructions (§34) and a secure area 101 that is not subject to control by external instructions (§33) (see also Fig. 1), wherein license information information/content key based on use rights for any information stored in a user-use area is stored in a secure area/area 101 (§85), said information management apparatus/player 150 (§38 & Fig. 1) comprising write and read out means/media device 110 (Fig.

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1 & ¶34) writing any information to an reading any information from said user-user area/area 102 (Fig. 1 & ¶34) and predetermined information deriving means/media device 110 and media player 120 (Fig. 1) encrypting predetermined information/content key (¶97) stored in a secure area/area 101 (Fig. 1 & ¶97) using said medium-specific information or a key generated therefrom/public key of acceptable user (¶97), storing the encrypted predetermined information in an area/play-back device outside said secure area (¶97) and deriving/decrypting the stored encrypted predetermined information in an area outside (in the play-back device) said secure area (¶97).

Regarding claim 23, Sims discloses wherein said predetermined information deriving means/media device transmits said encrypted license information/encrypted content key to a second recording medium different from said recording medium (¶97).

13. Claims 1, 18 & 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0016919 to Sims, III (**Sims**).

Regarding claims 1 & 27, Sims discloses a method comprising encrypting predetermined information/disk key (¶95) that is stored in a predetermined secure area of a recording medium (¶¶81 & 85) using medium-specific information/media public key (¶95) or a key/acceptable user's public key (¶97) generated therefrom (medium-specific disk key is used, in conjunction with the clearing house/provider to generate the acceptable user key, which is then used to encrypt the predetermined information/disk key) (¶95), storing the encrypted predetermined information in an area/provider (¶95) outside said predetermined secure area and deriving/decrypting said encrypted predetermined information outside (in the provider) said

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predetermined secure area (§95), wherein said secure area is not subject to control by external instructions (§57).

Regarding claims 18 & 28, Sims discloses an information management apparatus (media player 120, media device 110 (§38 & Fig. 1) and content provider (§95)) managing information/content of a recording medium, the recording medium having medium-specific information/media public key (§95) and comprising a user-use area/unprotected area 101 (§33) allowing writing and reading out of any information in accordance with external instructions (§34) and a secure area 101 that is not subject to control by external instructions (§33) (see also Fig. 1), wherein license information information/disk key based on use rights for any information stored in a user-use area is stored in a secure area/area 101 (§85), said information management apparatus/player 150 and content provider (§38, §95 & Fig. 1) comprising write and read out means/media device 110 (Fig. 1 & §34) writing any information to an reading any information from said user-user area/area 102 (Fig. 1 & §34) and predetermined information deriving means/media device (Fig. 1) encrypting predetermined information/disk key (§95) stored in a secure area/area 101 (Fig. 1 & §95) using said medium-specific information/media public key (§95) or a key/acceptable user's public key (§97) generated therefrom (medium-specific disk key is used, in conjunction with the clearing house/provider to generate the acceptable user key, which is then used to encrypt the predetermined information/disk key) (§95), storing the encrypted predetermined information in an area/provider outside said secure area (§95) and deriving/decrypting the stored encrypted predetermined information in an area outside (in the provider) said secure area (§95).

Regarding claim 2, Sims discloses a first area/area 101 (§85) storing said predetermined information/content key (§85) and a second area/area 102 different from said first area (Fig. 1).

Regarding claim 3, Sims discloses wherein said second area/area 102 is a user-use area allowing writing and reading out of any information in accordance with external instructions (§34).

Regarding claim 4, Sims discloses wherein any information/content stored in said second area/area 102 is encrypted electronic data/encrypted content (§81) and predetermined information/content key stored in said first area/area 101 includes license information based on use rights (§97 & Fig. 2, #213) for using said electronic data/encrypted content (§81).

Regarding claim 5, Sims discloses wherein said predetermined information/content key stored in said first area/area 101 is encrypted using medium-specific information or a key generated therefrom/public key of acceptable user (§97) and the encrypted predetermined information/encrypted content key is stored in a predetermined area (in the play back device) (§97).

Regarding claim 6, Sims discloses wherein said predetermined information/content key is encrypted (§97) using information specific to an apparatus that drives said recording medium or a key generated therefrom/media public key (§95 & §97).

Regarding claim 11, Sims discloses wherein said encrypted predetermined information (encrypted content/disk key) is stored on a second recording medium (play-back device, §97 or clearing house, §95) different from said recording medium.

Regarding claim 23, Sims discloses wherein said predetermined information deriving means/media device transmits said encrypted license information/encrypted content key to a second recording medium different from said recording medium (§97).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 15, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nerlikar**, as applied to claims 1 above, in further view of U.S. Patent 5,191,611 to **Lang**.

Regarding claim 15, Nerlikar, as modified above, lacks the medium-specific information/medium number being visually displayed on the recording medium. However, Lang teaches that by displaying information visually on a device for controlling access to data, a user can manually enter the data into another device (col. 6 lines 55-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nerlikar to visually display the medium-specific information/codeword on the disk. One of ordinary skill in the art would have been motivated to perform such a modification to allow for manual entry of the codeword into a device, as taught by Lang (col. 6 lines 55-59).

16. Claim 15, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sims**, as applied to claim 1 above, in further view of U.S. Patent 5,191,611 to **Lang**.

Regarding claim 15, Sims, as modified above, lacks the medium-specific information/medium number being visually displayed on the recording medium. However, Lang teaches that by displaying information visually on a device for controlling access to data, a user can manually enter the data into another device (col. 6 lines 55-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sims to visually display the medium-specific information/media public key or apparatus key on the disk. One of ordinary skill in the art would have been motivated to perform such a modification to allow for manual entry of the public media key or apparatus key into a device, as taught by Lang (col. 6 lines 55-59).

Allowable Subject Matter

17. Claims 7, 12-13, 19, 21 & 24-25 are believed to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter:

y. Regarding claim 7, the prior art relied upon fails to teach or suggest encrypting predetermined information that is stored in a secure area of a medium and storing the encrypted predetermined information in a second user-use area of a medium, in combination with the other limitations of the claim.

z. Regarding claim 12, the prior art relied upon fails to teach or suggest encrypting predetermined information that is stored in a secure area of a medium, storing the encrypted predetermined information on a second recording medium different from the

first medium, decrypting the encrypted predetermined information using a medium-specific information or a key generated therefrom and updating the predetermined information in the secure area, in combination with the other limitations of the claim.

aa. Regarding claim 13, the prior art relied upon fails to teach or suggest when said predetermined information is to be derived on said second recording medium, it is encrypted using said medium-specific information or a key generated therefrom and information specific to an apparatus that drives said second recording medium or a key generated therefrom, in combination with the other limitations of the claim.

bb. Regarding claim 19, the prior art relied upon fails to teach or suggest storing encrypted license information by the write and read out means in said user-use area, in combination with the other limitations of the claim.

cc. Regarding claim 21, the prior art relied upon fails to teach or suggest the apparatus comprising apparatus-specific information, wherein said predetermined information deriving means encrypts said license information using said medium-specific information or said key generated therefrom and information specific to said apparatus or a key generated therefrom, in combination with the other limitations of the claim.

dd. Regarding claim 24, the prior art relied upon fails to teach or suggest predetermined information updated means decrypting encrypted license information stored in said second recording medium using said medium-specific information and updating license information stored in said secure area, in combination with the other limitations of the claim.

ee. Regarding claim 25, the prior art relied upon fails to teach or suggest wherein an apparatus that drives said second recording medium comprises apparatus-specific information and said predetermined information deriving means encrypts said license information using said medium-specific information or said key generated therefrom and information specific to an apparatus that drives said second recording medium or a key generated therefrom.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

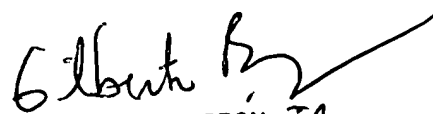
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MJS



September 13, 2006



GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100